

REMARKS

In the Office Action, the Examiner allowed claims 6-10, 18, and 20-24, objected to claims 16, 17, 29, 30, 32, and 37-40, and rejected claims 1-5, 11-15, 19, 25-28, 31, and 33-36. However, the Examiner indicated that claims 16, 17, 29, 30, 32, and 37-40 would be allowable if rewritten in independent form. By this paper, the Applicants hereby cancel claims 2, 15-17, 19, 32, and 37, amend claims 1, 3, 11, 25, 29-31, 34, and 38-39, and add new claims 41-44 to expedite allowance of the present application.

For example, the Applicants hereby amend independent claim 11 to incorporate allowable claim 16. The Applicants amend independent claim 25 to incorporate allowable claims 29 and 30 in the alternative. The Applicants amend independent claim 31 to incorporate allowable claim 32. The Applicants amend independent claim 34 to incorporate allowable claim 37. The Applicants amend allowable dependent claim 39 to incorporate original claim 34 (i.e., rewritten in independent form).

In view of the foregoing amendments and the following remarks, the Applicants respectfully request reconsideration and allowance of all pending claims.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-5 under 35 U.S.C. § 102(b) as anticipated by Covington (U.S. Patent No. 3,401,874, hereinafter "Covington"). The Examiner rejected claims 11-15, 19, 25-28, and 34-36 under 35 U.S.C. § 102(b) as being anticipated by Dickey et al. (U.S. Patent No. 6,422,814, hereinafter "Dickey"). The Examiner rejected claims 31 and 33 under 35 U.S.C. § 102(b) as being anticipated by Covington. Applicants respectfully traverse this rejection. However, as discussed above, the Applicants hereby incorporate allowable subject matter into independent claims 11, 25, 31, and 34, and cancel claim 19, to expedite allowance of the present application. As a result, the only outstanding rejection pertains to claims 1-5, which are discussed below.

Legal Precedent and Guidelines

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

The Covington reference is missing features recited by independent claim 1.

As amended, independent claim 1 recites, *inter alia*, “the protection mechanism comprises a collapsible wall blocking a flow path of the rotary flow inducing blade in the protective no-flow configuration, the collapsible wall is retracted from the flow path in the operational flow configuration, and the rotary flow inducing blade is configured to rotate for at least some duration during the protective no-flow configuration.”

The Covington reference fails to teach or suggest “the collapsible wall is retracted from the flow path in the operational flow configuration,” as recited by claim 1. In a contrastingly opposite manner, the umbrella component 10 of Covington blocks a flow path of the fan component 12 in the configuration as shown in FIG. 1. In other words, the umbrella 10 is complete expanded across the top of the fan component 12, such that it complete covers the rotating blades of the fan component 12 as shown in FIG. 1. As appreciated by one of ordinary skill in the art, the umbrella component 10 is serving its function of providing full coverage overhead a person,

such that it blocks rain from landing on the person. Similarly, the umbrella component 10 blocks airflow, such that the fan component 12 cannot draw in air from above the umbrella component 10. In view of this deficiency, the cited reference cannot anticipate claim 1 and its dependent claims.

The Covington reference also fails to teach or suggest “the rotary flow inducing blade is configured to rotate for at least some duration during the protective no-flow configuration,” as recited by claim 1. In a contrastingly opposite manner, the fan component 12 cannot rotate in the configuration shown in FIG. 2. Specifically, the blades of the fan component 10 are folded along the shaft 14 of the umbrella component 10 when closed as shown in FIG. 2. Thus, the blades cannot rotate in the manner set forth in claim 1. In view of this deficiency, the cited reference cannot anticipate claim 1 and its dependent claims.

For at least these reasons, among others, the Applicants respectfully request withdrawal of the foregoing rejections under Section 102.

New Claims

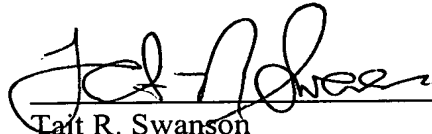
As noted above, the Applicants hereby add new claims 41-44. Claims 41-42 depend from claim 1, and are believed to be allowable by virtue of their dependence on claim 1 and also by virtue of the features recited in each claim. Claim 43 is independent, and recites additional features missing from the cited references. For example, claim 43 recited, *inter alia*, “a brake configured to move axially toward the blades to brake the blades.” In contrast, the fan brake 250 of Dickey et al. moves in a radial (not axial) direction toward blades 210. The other references also fail to teach or suggest these claim features of claim 43. For at least these reasons, among others, the Applicants respectfully request allowance of the new claims.

Conclusion

The Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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